

SECRET

OGC 70-1029

23 June 1970

MEMORANDUM FOR: SB/SA/NSP

ATTENTION:

SUBJECT: Aleks KURGVEL (T) - Retirement Benefits
Under U.S.-Estonian Consular Agreement

1. You have requested that we respond to Subject's question as to whether he can legally qualify for a pension from the U.S. Government under Article VI of the 1926 U.S.-Estonian Treaty of Friendship, Commerce and Consular Rights for his period of service with the Estonian Army from 1923 to 1940. We are of the opinion there is no legal basis for such a pension.

2. Article VI of the above cited Treaty would permit, in relevant part, that an Estonian national who was a permanent resident within the U.S. and had formally declared an intention to adopt U.S. citizenship would be subject to draft for compulsory military service by the U.S. Government in the event of war between the latter and a third State.

3. It is our understanding that Subject entered the U.S. for the first time in 1951 under the provisions of section 7 of the CIA Act of 1949, as amended. Since that time he has served the Agency in a contract employee status. He became a U.S. citizen on 13 May 1958. Given these circumstances, we are unable to see how the Consular Treaty could possibly be used as a legal basis for U.S. Government retirement benefits for service by an Estonian National with the Estonian Army from 1923 to 1940.

Office of General Counsel

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SOURCES/METHODS/EXEMPTION 3828
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

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